

# HOUSE BILL No. 4767

May 28, 2003, Introduced by Rep. Ward and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 495, 500a, and 759 (MCL 168.495, 168.500a, and 168.759), sections 495 and 500a as amended by 1995 PA 87 and section 759 as amended by 1995 PA 261.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 495. **An individual who registers as an elector shall**  
2 **complete a registration application.** The registration ~~affidavit~~  
3 ~~required under section 493~~ **application** shall contain all of the  
4 following:  
5       (a) The name of the elector.  
6       (b) The residence address of the elector, including the  
7 street and number or rural route and box number and the apartment  
8 number, if any.  
9       (c) The birthplace and date of birth of the elector.

1 (d) The driver's license or state personal identification  
2 card number of the elector, if available.

3 (e) A statement that the elector is a citizen of the United  
4 States.

5 (f) A statement that the elector is at the time of completing  
6 the ~~affidavit~~ **application**, or will be on the date of the next  
7 election, not less than 18 years of age.

8 (g) A statement that the elector has or will have lived in  
9 this state not less than 30 days before the next election.

10 (h) A statement that the elector has or will have established  
11 his or her residence in the township, city, or village in which  
12 the elector is applying for registration not less than 30 days  
13 before the next election.

14 (i) A statement that the elector is or will be a qualified  
15 elector of the township, city, or village on the date of the next  
16 election.

17 (j) A space in which the elector shall state the place of the  
18 elector's last registration, if any.

19 **(k) A space for the elector to sign and certify to the truth**  
20 **of the statements on the registration application.**

21 **(l) A space for the elector to mark if the elector wishes to**  
22 **be listed on a permanent absentee voters list.**

23 Sec. 500a. (1) The secretary of state or the secretary of  
24 state's agent shall afford ~~a person~~ **an individual** who appears  
25 in a department of state branch office or ~~a person~~ **an**  
26 **individual** who applies for renewal of an operator's or  
27 chauffeur's license under section 307 of the Michigan vehicle

1 code, ~~Act No. 300 of the Public Acts of 1949, being section~~  
2 ~~257.307 of the Michigan Compiled Laws~~ **1949 PA 300, MCL 257.307,**  
3 an opportunity to complete an application to register to vote or  
4 to change the ~~person's~~ **individual's** voting registration name or  
5 address, if the applicant possesses the qualifications of an  
6 elector on the date of application or will possess the  
7 qualifications at the next election. This subsection does not  
8 require a registered elector to periodically reregister or to  
9 renew his or her registration. The ~~application for~~

10 registration **application** made under this section shall contain  
11 all of the following:

12 (a) The name of the applicant.

13 (b) The residence address of the applicant, including the  
14 street and number or rural route and box number and apartment  
15 number, if any.

16 (c) The city or township and county of residence of the  
17 applicant, and the school district of the applicant, if known.

18 (d) The date of birth of the applicant.

19 (e) The birthplace of the applicant.

20 (f) The driver's license or state personal identification  
21 card number of the applicant, if available.

22 (g) A statement that the applicant has the qualifications of  
23 an elector as of the date of applying for registration, or will  
24 have the qualifications of an elector at the next election.

25 (h) A statement that the registration is not effective until  
26 processed by the clerk of the city or township in which the  
27 applicant resides.

1 (i) A statement that the applicant, if qualified, may vote at  
2 an election occurring not less than 30 days after the date of  
3 completing the application.

4 (j) A space to indicate the applicant's last place of  
5 registration, if any.

6 (k) A statement authorizing the cancellation of registration  
7 at the applicant's last place of registration.

8 (l) A space for the applicant to sign and certify to the  
9 truth of the statements on the application.

10 (m) **A space for the applicant to mark if the applicant wishes**  
11 **to be listed on a permanent absentee voters list.**

12 (2) The applicant shall sign the **registration** application.  
13 Upon ~~receipt of~~ **receiving** the application, the agent shall sign  
14 the application, stamp the application with a validation stamp,  
15 and provide the applicant with a receipt verifying the  
16 registration application. The agent shall promptly forward the  
17 application to the county clerk of the applicant's residence or  
18 to a city or township clerk designated by the secretary of  
19 state.

20 Sec. 759. (1) At any time during the 75 days before a  
21 primary or special primary, but not later than 2 p.m. of the  
22 Saturday immediately before the primary or special primary, an  
23 elector who qualifies to vote as an absent voter, as defined in  
24 section 758, may apply for an absent voter ballot. The elector  
25 shall apply in person or by mail with the clerk of the township,  
26 city, or village in which the elector is registered **or, for a**  
27 **school election, with the secretary of the school board of the**

1 **school district in which the elector resides.** An application  
2 received before a primary or special primary may be for either  
3 that primary only, or for that primary and the election that  
4 follows.

5 (2) Except as otherwise provided in subsection (1), at any  
6 time during the 75 days before an election, but not later than 2  
7 p.m. of the Saturday before the election, an elector who  
8 qualifies to vote as an absent voter, as defined in section 758,  
9 may apply for an absent voter ballot. The elector shall apply in  
10 person or by mail with the clerk of the township, city, or  
11 village in which the voter is registered **or, for a school**  
12 **election, with the secretary of the school board of the school**  
13 **district in which the elector resides.**

14 (3) An application for an absent voter ballot under this  
15 section may be made in any of the following ways:

16 (a) By a written request signed by the ~~voter~~ **elector**  
17 stating the statutory grounds for making the application.

18 (b) On an absent voter ballot application form ~~provided for~~  
19 that ~~purpose by~~ the clerk of the city, township, or village **or**  
20 **the secretary of a school board provides to the elector.**

21 (c) On a federal postcard application.

22 (4) **Each city, township, or village clerk and secretary of a**  
23 **school board shall compile and maintain a list of electors who**  
24 **request to be listed on a permanent absentee voters list. For**  
25 **each election conducted by a clerk or secretary of a school**  
26 **board, the clerk or secretary of the school board shall mail or**  
27 **otherwise provide an absent voter ballot application to each**

1 elector listed on the permanent absentee voters list for that  
 2 city, township, village, or school district.

3 (5) ~~(4)~~ An applicant for an absent voter ballot shall sign  
 4 the application. A clerk, ~~or~~ assistant clerk, **or secretary of**  
 5 **the school board** shall not deliver an absent voter ballot to an  
 6 applicant who does not sign the application. ~~A person other~~  
 7 **Other** than the applicant; a member of the applicant's immediate  
 8 family; ~~a person~~ **an individual** residing in the applicant's  
 9 household; ~~a person~~ **an individual** whose job normally includes  
 10 the handling of mail, but only during the course of his or her  
 11 employment; a registered elector requested by the applicant **to**  
 12 **return the application**; or a clerk, assistant of the clerk, or  
 13 other authorized election official, **an individual** shall not be in  
 14 possession of a signed absent voter ballot application. A  
 15 registered elector who is requested by the applicant to return  
 16 his or her absent voter ballot application shall sign the  
 17 certificate on the absent voter ballot application.

18 (6) ~~(5)~~ The clerk of the city, township, or village **or the**  
 19 **secretary of a school board** shall have absent voter ballot  
 20 application forms available in the office of the clerk **or**  
 21 **secretary of the school board** at all times and shall furnish an  
 22 absent voter ballot application form to anyone upon a verbal or  
 23 written request. The absent voter ballot application shall be in  
 24 substantially the following form:

25 "Application for absent voter ballot for:

26 [] The primary or special primary election to be held on

1 ~~....., 19....~~ ..... (date)

2 [] The election to be held on ~~....., 19....~~

3 ..... (date)

4 (Check applicable election or elections)

5 I, ..... , a qualified and registered elector of  
6 the ..... precinct of the township of ..... or village  
7 of ..... or of the ..... ward of the city  
8 of ..... , in the county of ..... and state of  
9 Michigan, apply for an official ballot, or ballots, to be voted  
10 by me at the election or elections as requested in this  
11 application.

12 The statutory grounds on which I base my request are:

13 [] I expect to be absent from the community in which I am  
14 registered for the entire time the polls are open on election  
15 day.

16 [] I am physically unable to attend the polls without the  
17 assistance of another.

18 [] I cannot attend the polls because of the tenets of my  
19 religion.

20 [] I have been appointed an election precinct inspector in a  
21 precinct other than the precinct where I reside.

22 [] I am 60 years of age or older.

23 [] I cannot attend the polls because I am confined to jail  
24 awaiting arraignment or trial.

25 (Check applicable reason)

26 Send absent voter ballot to me at:

27 .....

1 (Street No. or R.R.)

2 .....  
3 (Post Office) (State) (Zip Code)

4 My registered address.....  
5 (Street No. or R.R.)

6 .....  
7 (Post Office) (State) (Zip Code)

8 Date.....

9 I declare that the statements in this absent voter ballot

10 application are true.

11 .....  
12 (Signature)

13 WARNING  
14 A person making a false statement in this absent voter ballot  
15 application is guilty of a misdemeanor. It is a violation of  
16 Michigan election law for a person other than those listed in the  
17 instructions to return, offer to return, agree to return, or  
18 solicit to return your absent voter ballot application to the  
19 ~~clerk~~ **election official**. An assistant authorized by ~~the~~ a  
20 **city, township, or village** clerk who receives absent voter ballot  
21 applications at a location other than the office of the clerk  
22 must have credentials signed by the clerk. Ask to see his or her  
23 credentials before entrusting your application with a person  
24 claiming to have the clerk's authorization to return your  
25 application.

26 Certificate of Authorized Registered  
27 Elector Returning Absent Voter  
28 Ballot Application

29 I certify that my name is ....., my address is

1 ..... , and my date of birth is .....; that  
2 I am delivering the absent voter ballot application of  
3 ..... at his or her request; that I did not  
4 solicit or request to return the application; that I have not  
5 made any markings on the application; that I have not altered the  
6 application in any way; that I have not influenced the applicant;  
7 and that I am aware that a false statement in this certificate is  
8 a violation of Michigan election law.

9 \_\_\_\_\_  
10 (Date) (Signature)"

11 (7) ~~-(6)-~~ The following instructions for an applicant for an  
12 absent voter ballot shall be included with each application  
13 furnished an applicant:

14 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

15 Step 1. After completely filling out the application, sign  
16 and date the application in the place designated. Your signature  
17 must appear on the application or you will not receive an absent  
18 voter ballot.

19 Step 2. Deliver the application by 1 of the following  
20 methods:

21 (a) Place the application in an envelope addressed to the  
22 appropriate clerk **or other appropriate election official** and  
23 place the necessary postage upon the return envelope and deposit  
24 it in the United States mail or with another public postal  
25 service, express mail service, parcel post service, or common  
26 carrier.

27 (b) Deliver the application personally to the office of the

1 clerk ~~, to the clerk, or to an authorized assistant of the~~  
2 ~~clerk~~ **or other election official.**

3 (c) In either (a) or (b), a member of the immediate family of  
4 the voter including a father-in-law, mother-in-law,  
5 brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
6 grandparent, or grandchild or a person residing in the voter's  
7 household may mail or deliver the application to the clerk **or**  
8 **other election official** for the applicant.

9 (d) ~~In the event~~ **If** an applicant cannot return the  
10 application in any of the above methods, the applicant may select  
11 any registered elector to return the application. The person  
12 returning the application must sign and return the certificate at  
13 the bottom of the application.

14 **(8)** ~~-(7)-~~ A person who prints and distributes absent voter  
15 ballot applications shall print on the application the warning,  
16 certificate of authorized registered elector returning absent  
17 voter ballot application, and instructions required by this  
18 section.

19 **(9)** ~~-(8)-~~ A person who makes a false statement in an absent  
20 voter ballot application is guilty of a misdemeanor. A person  
21 who forges a signature on an absent voter ballot application is  
22 guilty of a felony. A person who is not authorized in this act  
23 and who both distributes absent voter ballot applications to  
24 absent voters and returns those absent voter ballot applications  
25 to a clerk or ~~assistant of the clerk~~ **other election official** is  
26 guilty of a misdemeanor.